

CDJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JOSEF AVERGUN

15 5965

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

GREGORY PROSMUSHKIN

GREG PROSMUSHKIN P.C. LAW OFFICES

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☐ Yes ☒ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name JOSEF AVERGUN, KT2212
ID # KT2212; PPN: 1073879
Current Institution SCI Coal Township
Address 1 Kelley Dr.
Coal Township, PA 17866-1021

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Gregory Prosmushkin, Esq Shield # owner
 Where Currently Employed Greg Prosmushkin P.C. Law Offices
9637 Bustleton Avenue
 Address Philadelphia, PA 19115 (entrance from Fulmer St)
Attorney, Pennsylvania Supreme Court ID: 072888

Defendant No. 2 Name Greg Prosmushkin P.C. Law Offices Shield #
 Where Currently Employed private law firm
9637 Bustleton Avenue
 Address Philadelphia, PA 19115 (entrance from Fulmer St)

Defendant No. 3 Name Shield #
 Where Currently Employed
 Address

Defendant No. 4 Name Shield #
 Where Currently Employed
 Address

Defendant No. 5 Name Shield #
 Where Currently Employed
 Address

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? at Greg Prosmushkin P.C. Law Offices and in Phila county jail on State Rd.

B. Where in the institution did the events giving rise to your claim(s) occur? at the offccie of Greg Prosmushkin and in the visiting room of CFCF bldg Philadelphia county jail, 7901 State Rd, Philadelphia, PA 19136

C. What date and approximate time did the events giving rise to your claim(s) occur? 4.12.2010, 8.30.2010 at law offices and in September 2010 at visiting room of jail

Attachment to page 2

continuation of II A

in the Criminal Justice Center 1301 Filbert St, Philadelphia
PA 19107 in the visiting conference room and in the courtroom

continuation of II B

in the Criminal Justice Center in conference room and in the
courtroom

continuation of II C

9.12.2012 and 11.16.2012

What
happened
to you?

D. Facts: defendant in 4.12.2010 was fooling plaintiff J. Avergun asking excessive fee for representation on misdemeanor case appeal multiplying by 10 retaining attorney fee; it's Criminal Mischief.

Who
did
what?

In 9.2010 defendant Prosmushkin was asking again excessive fee for representation on 3 cases in Municipal court (\$15,000); it's Criminal Mischief, extortion of J. Avergun bank account contents by pushing Avergun to sign General Power of Attorney on Avergun bank account, that's Racketeering and Blackmailing Avergun by Prosmushkin, Aggravated indecent Assault by Prosmushkin, Arson, Stalking & harassment, Terroristic Threat.

Was
anyone
else
involved?

In 9.12.2012 and 11.16.2012 Prosmushkin was racketeering & black-mailing Avergun that Avergun sign for Prosmushkin General Power of Attorney (in front of sentencing courts) otherwise Prosmushkin would leave and Avergun would be without Attorney, represented by Defender Association of Philadelphia. That's what happened on 9.12.2012

Who else
saw what
happened?

Prosmushkin left and Def Association representative didn't know case and was deaf and dumb in the courtroom; besides that prosmushkin set in the courtroom Assistant DA M.Francis (who wasn't scheduled on that day, came in addition to scheduled ADA) to blacken Avergun in eyes of Judge talking about case that she exaggerated sentence, that case wasn't heard at that day and by that Judge; it's repeated Racketeering & Blackmailing by Prosmushkin.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Much because of Prosmushkin, Avergun sustained moral (mental) injuries being in jail fopr long term already more than 5 years, and physical injuries (being tortured by correctional officers in the Phila county prison 8301 State RD, Philadelphia, PA 19136; and being involved in fights with inmates, might be clients of Prosmushkin, whom Prosmushkin set on Avergun, and again as a result getting injuries, being taken in the punishable block of jail with worse conditions)

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

Attachment to page 3

continuation of II D

On 11.16.2012 Prosmushkin had done repeated by him Stalking & Harassment of Avergun in the conference room of CJC brining General Power of Attorney and pushing Avergun to sign it while Prosmushkin was paid in August 2012 for doing appeal and representing Avergun on appeal hearing and a new evidentiary hearing. Prosmushkin again had done repeated by him Terroristic Threat, Arson, Extortion, Racketeering Activities, Aggravated Indecent Assault, Blackmailing and Criminal Mischief of J. Avergun. Avergun reminded to Prosmushkin that he already was paid, and Avergun didn't have any intention to give General Power of Attorney for usage Avergun identity, bank accounts, property, etc. As a result, Prosmushkin was quietly sitting in the courtroom on the sentencing day 11.16.2012 without Objection, Hearsay from him, without acting like attorney representing his client; and at the end prosmushkin filed late, after permitted 10 days in Pennsylvania, Motion in Arrest of Judgment and for a new Trial, and it was denied by the sentencing Judge on the next day. Then Prosmushkin holded by the end of 30 days from the 11.16.2012 when verdict was announced to burn ability to file Notice of Appeal guaranteed by Pennsylvania and Uited States Constitutions. That way Prosmushkin set J. Avergun on the sentence in jail, and might forgered Avergun signature to do extortion of Avergun bank accounts, credit cards, getting bank loans, using Avergun property and identity.

On 8.30.2010 Avergun came to Prosmushkin P.C. Law Offcies with No-FAult auto-accident claim. Prosmushkin still didn't give Avergun by cash or by check settlement for "pain and suffering".

Prosmushkin is holding \$3,000 dollars paid to him by Avergun on 4.12. 2010 for appeals on misdemeanor cases, forfighting those appeals and not returning to Avergun \$3,000 dollars.

Prosmushkin was paid by frien of Avergun (Lenard Lvovsky) in August 2012 \$5,000 dollars (as Prosmushkin told to Avergun during visit in jail on 8.30.2012) to do appeal and represent Avergun on appeal hearing and a new evidentiary hearing (de novo); then Prosmushkin in 2014 replied to Lawyers' Fund for Clènts Security that he was paid \$4,000 dollars by Lenard Lvovsky (go trust to Prosmushkin after it, when he telling truth and when he lying). Prosmushkin still didn't return to Lenard Lvovsky money that L. Lvovsky paid to Prosmushkin by credit card, and most important that Prosmushkin was playing ignorance like he wasn't involved and didn't have (got) desire representing Avergun in court on Appeal and a new evidentiary hearing taking case from Common Pleas to Superior (or Supreme) court. That's malfunction, misrepresentation, purposed setting J. Avergun in jail on long term (Avergun was sentenced on the blown case to 3 min, 6 max years; whereas Prosmushkin had desire set Avergun in jail on 5 min, 10 max years doing profanation of justice and in front of sentencing court setting Avergun on the gesture which would lead to 5 min, 10 max years in jail; Avergun denied that gesture showing to Prosmushkin "Good Way" without crooking).

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

CFCF bldg, Philadelphia county jail, 7901 State Rd., Philadelphia,
PA 19136

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒ (this claim is not on jail)

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒ (this claim is not on jail)

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? n/a

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance: n/a

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. Avergun filed on prosmushkin with Philadelphia Bar Association, Supreme Court of PA Lawyers' Fund for Clients Security, Philadelphia District Attorney, Municipal Court of Philadelphia 1st Judicial District of PA, US District Attorney (Eastern District of PA) in order to get prosecution with opening case on G. Prosmushkin, and getting trial on G. Prosmushkin and G. Prosmushkin P.C. Law Offices

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Federal prosecution and case United States v. G. Prosmushkin, G. Prosmushkin P.C. Law Offices, taken off G. Prosmushkin license to practice business and law in the United States of America. Josef Avergun is asking Court for the amount of monetary compensation of \$3,100,000 (three million one hundred thousand) dollars from Gregory Prosmushkin and Greg Prosmushkin P.C. Law Offices. (In summer-Fall 2011 G. Prosmushkin set Judge of Municipal court, Philadelphia D. Shuter to multiply by 10 bail set on Avergun making out of \$310,000 dollars \$3,100,000 dollars - Avergun couldn't pay bail, later 2 cases were cleaned by Judge out of accusations and other were cleaned of felony accusation, only 1 misdemeanor left - was no sense to multiply by 10 bail; that's Prosmushkin's bypartizaning in CJC, racketeering.

Get out of Prosmushkin P.C. Law Offices auto-accident settlement that they received from the auto-insurance company for the pain and suffering of Josef Avergun (insured) in the no-fault auto-accident on 8.30.2010.

Get out of Gregory prosmushkin \$3,000 dollars paid to him by Josef Avergun credit card on 4.12.2010.

Get out of Greg Prosmushkin P.C. Law Offices \$5,000 dollars paid to them on 8.12.2012 by Lenard Ivovsky for Appeal and a new evidentiary hearing in J. Avergun case that J. Avergun is in this jail.

Get out of Prosmushkin \$3,000 dollars that he set auto-body shop "European Connections", 9410 Clark St, Philadelphia, PA 19115 to exaggerated damage to Avergun vehicle in that auto-accident and charge Lev Rakhman \$1,500 dollars for holding vehicle, priorly threatening Rakhman not to come for longer than 2 months (we will call you when) to pick up Avergun's vehicle (that's called setting racket in Russian community against immigrants from the USSR as americans don't go to crooked lawyers, auto and body shops talking gypsy language with accent). As a result vehicle was there more than 2 months while

Josef avergun is still in jail. G. Prosmushkin is cataract on the healthy body of Russian community of Philadelphia and american sociaety, and must
VI. Previous lawsuits: be removed from nice city of Philadelphia and the United States of America.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes X No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Josef Avergun

Defendants Gregory Prosmushkin, Greg Prosmushkin P.C. Law Offcies

2. Court (if federal court, name the district; if state court, name the county) Philadelphia

3. Docket or Index number case wasn't open, Prosmushkin is bribing there

4. Name of Judge assigned to your case not yet

5. Approximate date of filing lawsuit 4.24.2014; 4.6.2015; June 2015, Aug. 2015

6. Is the case still pending? Yes No not started yet

If NO, give the approximate date of disposition

On
these
claims

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) case wasn't started and docket wasn't assigned yet

On
other
claims

- C. Have you filed other lawsuits in state or federal court?

Yes X No

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Josef Avergun

Defendants Warden of Philadelphia county jail, Philadelphia county jail, correctional officer Biretta, 8301 State Rd, Philadelphia, PA 19136
Federal, Eastern

2. Court (if federal court, name the district; if state court, name the county) District of Pennsylvania, Philadelphia
did get reply yet, was done recently

3. Docket or Index number not

4. Name of Judge assigned to your case

10/9-2015

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes X No

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) didn't receive reply with docket number yet

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of October, 2015.

Signature of Plaintiff *J. Avergun*

Inmate Number KT2212; PPN: 1073879

Institution Address SCI Coal Township
1 Kelley Dr.

Coal Township PA 17866

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 24 day of October, 2015, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____

J. Vergeren

Josef Avergun
KT2212
1 Kelley Dr.
Coal Twp PA 17866-1021

10.24.2015

U.S. District Courthouse
Clerk of Court
601 Market St. Room 2609
Philadelphia, PA 19106

Dear Clerk pf Court:

Enclosed is Criminal Complaint done by Josef Avergun on Gregory Prosmushkin and Greg Prosmushkin P.C. Law Offices, 9637 Bustleton Avenue, Philadelphia, PA 19115. Filing fee institutional check is enclosed. In case it's not required please return it.

On 10.9.2015 I filed with you Criminal Compalint with \$5 filing fee institutional check attached on the Warden of Philadelphia county jail, Philadelphia county jail and correctional officer Biretta of PICC bldg of that jail. i still didn't receive from you confirmation of filing with necessary forms that you mention on the other side of this page received from you.

I am asking to mail me "Complaint Pro Se" forms, and copy of the complaint that is on this envelope, filed by you.

thank you for your participation.

Very truly,


Josef Avergun

RECEIVED

NOV 2 2015

Enclosure